

14-14-C. Administrative Actions through Consent Orders (1200 TN 349)

1. AUTHORITY. After giving notice to the affected state, to take administrative action pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, including Sections 104, 106, and 122, including, but not limited to, issuing such orders on consent as may be necessary to protect public health and welfare and the environment.

2. TO WHOM DELEGATED. Director, Superfund and Emergency Management Division (SEMD).

3. LIMITATIONS.

- a. This authority does not include recovery of response costs under CERCLA Section 122(h) or settlements with de minimis parties under CERCLA Section 122(g).
- b. The delegatee must obtain advance concurrence of Regional Counsel (RC) on the legal sufficiency of the action before exercising these authorities.
- c. The delegatee should exercise this authority consistent with the most recent version of the "OECA/OSRE CERCLA and RCRA/CWA/UST Roles Chart," or successor documents, as appropriate.

4. REDELEGATION AUTHORITY.

- a. This authority may be redelegated to the branch chief level, and no further. The authority may not be redelegated without formal amendment.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Applicable U.S. Environmental Protection Agency guidance and directives.

6. SUPERSESSION. Delegations Manual, CERCLA, Regional Delegation 14-14-C. Administrative Actions Through Consent Orders, 1200 TN RIII 153 (June 2, 2017).

Date: APR 15 2019


Cosmo Servidio
Regional Administrator